



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB0133

by Rep. André M. Thapedi

SYNOPSIS AS INTRODUCED:

410 ILCS 620/12.2 new

Amends the Illinois Food, Drug and Cosmetic Act. Provides that any label of fresh, frozen, or processed fish or shellfish, wild or farm raised, offered for sale at wholesale or retail shall clearly identify (1) the species of fish or shellfish by its common name, (2) whether the fish or shellfish was farm raised or wild caught, and (3) whether the fish or shellfish was caught domestically or imported. Provides that a retail food facility that sells or offers for sale any fresh, frozen, or processed fish or shellfish, wild or farm raised, may not knowingly misidentify or misbrand (1) the country of origin of the fish or shellfish or (2) whether the fish or shellfish was farm raised or wild caught. Sets forth provisions concerning misbranding and the presumption of knowledge.

LRB099 03488 JLK 23496 b

1 AN ACT concerning public health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Food, Drug and Cosmetic Act is
5 amended by adding Section 12.2 as follows:

6 (410 ILCS 620/12.2 new)

7 Sec. 12.2. Labeling; seafood.

8 (a) In this Section:

9 "Common name" means the common name for any seafood
10 species identified in the Seafood List issued by the
11 federal Food and Drug Administration.

12 "Processed" means having underwent cooking, baking,
13 heating, drying, mixing, grinding, churning, separating,
14 extracting, cutting, fermenting, eviscerating, preserving,
15 dehydrating, freezing, or any manufacturing, and includes
16 packaging, canning, jarring, or otherwise enclosing food
17 in a container.

18 (b) Any label of fresh, frozen, or processed fish or
19 shellfish, wild or farm raised, offered for sale at wholesale
20 or retail shall clearly identify all of the following
21 information:

22 (1) The species of fish or shellfish by its common
23 name.

1 (2) Whether the fish or shellfish was farm raised or
2 wild caught.

3 (3) Whether the fish or shellfish was caught
4 domestically or imported.

5 (c) It shall constitute misbranding for any person to
6 knowingly sell or offer for sale any fish or shellfish that is
7 labeled in violation of subsection (b) of this Section. For the
8 purposes of this subsection (c), knowledge shall be presumed if
9 the person fails to provide sufficient product documentation
10 that demonstrates the fish or shellfish was labeled in
11 violation of subsection (b) of this Section when the person
12 received the fish or shellfish. The presumption established
13 under this subsection (c) is a presumption affecting the burden
14 of proof.

15 (d) A retail food facility that sells or offers for sale
16 any fresh, frozen, or processed fish or shellfish, wild or farm
17 raised, shall identify and label the species of fish or
18 shellfish by its common name for the consumer at the point of
19 sale, so that the consumer can make an informed purchase
20 decision. It is unlawful for a retail food facility to
21 knowingly misidentify or misbrand the species of fish or
22 shellfish in violation of this subsection (d).

23 (e) A retail food facility that sells or offers for sale
24 any fresh, frozen, or processed fish or shellfish, wild or farm
25 raised, may not knowingly misidentify or misbrand either of the
26 following:

1 (1) The country of origin of the fish or shellfish.

2 (2) Whether the fish or shellfish was farm raised or
3 wild caught.

4 This subsection (e) does not require a retail food facility
5 that sells or offers for sale any fresh, frozen, or processed
6 fish or shellfish to identify either the country of origin or
7 whether the fish or shellfish was farm raised or wild caught.

8 For the purposes of this subsection (e), knowledge shall be
9 presumed if the retail food facility fails to provide
10 sufficient product documentation that demonstrates the fish or
11 shellfish was identified and labeled in violation of this
12 Section when the retail food facility received the fish or
13 shellfish. The presumption established by this subsection (e)
14 is a presumption affecting the burden of proof.